IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 804 of 2004

KUMARI MANJU RATHORE
V/S
STATE OF RAJ. & ORS

Mr. MAHESH KUMAR for Mr.AK SINGH, for the petitioner

Mr. BL BHATI, A.G.A., for the respondent

Date of Order : 22.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The petitioner applied for appointment to the post of Physical Teacher Gr.III, in response to advertisement, Annex.1. For computing her merit, the petitioner claims to be entitled to the awarded 20% marks for the sports certificate, Annex.5.

The case of the petitioner is, that the petitioner has been found to be having 68.12% marks, by being awarded 10 bonus marks for the sport activities, treating them to be State level activities. Relying upon Annex.6, it is claimed, that since the petitioner stood first in the event, she is entitled to be awarded 20% marks, as against which she has been awarded 10% marks only.

I have heard learned counsel. In the grounds, reliance is placed on Annex.7 and 8, and according to Annex.7, in view of the judgment of Division Bench of this Court in State Vs. Umesh Jangid, a direction was given, to the effect, that the candidates who have participated in inter-college and inter-university level sport events, should also be awarded bonus marks, as available for State level and National level respectively, and according to that, it was prescribed, that 10 marks would be available for State level, and 15 for National level, while 5 marks were provided for District level activities. Then vide Annex.8, provision for awarding bonus marks for the sport activities, to be awarded to the candidates applying for recruitment on the post of Physical Teachers, for the Sessions 2003-04 was made, providing, 10 marks for State level, and 15 marks for National level.

According to the reply, the petitioner's merit has been computed by awarding 10 marks, and she was found to be having 68.13% marks. Even according to the petitioner, the sports event wherein the petitioner had participated, fall within the State level events only.

The controversy now is only limited to the question, as to whether the petitioner is eligible to be

awarded 20 marks, on account of her having stood first, as provided in Annex.6, or is entitled to be awarded 10 marks only, as is provided in Annex.8.

In my view, the petitioner is entitled to be awarded 10 marks only. A look at Annex.6 shows that, that is only a brochure of the Government Physical Education College, and it deals with the eligibility of the candidate, to seek admission in C.P.Ed. or B.P.Ed., and for the purpose of ascertaining the merit, for being eligible to get admission, it has been provided, that where the candidate stands first at the State level, the candidate will be entitled to 20 marks. Then a look at Anex.8 shows, that it makes provision for award of bonus marks for computing merit, in the matter of appointment to the post of Physical Teacher. The matter of computation of merit for providing admission in C.P.Ed. or D.P.Ed. course, and of computation of merit for providing appointment to the post of Physical Teacher, stands on entirely different footing, even with regard to the question of providing bonus marks. Since the later aspect is covered by Annex.8, Annex.6 cannot be said to be having application in the matter of determination of merit for the purpose of providing appointments to the post of Physical Teacher.

Thus, I do not find any force in the writ

petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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